

REMARKS

In response to the Office Action mailed on June 23, 2008, Applicants respectfully request reconsideration. Claim(s) 43-54 are now pending in this Application. Claims 43 and 54 are independent claims and the remaining claims are dependent claims. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

1. Rejection of Originally Submitted Claims under 35 U.S.C. §103(a)

Claims 43, 48-50 and 52-54 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schmid et al., U.S. Patent No. 6,438,578 (hereinafter Schmid), in view of Thompson et al., U.S. Patent Pub. No. 2002/0077900 (hereinafter Thompson). In the rejection, Examiner concedes that Schmid's steps of **intercepting, creating redirection information and transmitting** *do not occur* **prior to an initial request for initial content made by a requesting device arriving at an intended destination**, as recited in independent claims 43 and 54.

Nonetheless, Examiner argues that one with ordinary skill in the art would have been motivated to modify Schmid with Thompson so that Schmid's steps of **intercepting, creating redirection information and transmitting** *occur* **prior to an initial request for initial content made by a requesting device arriving at an intended destination**. According to Examiner, Schmid would be improved by Thompson as secondary content would have a greater likelihood of being viewed at a client system. However, Applicants disagree that one with ordinary skill in the art would have been motivated to modify Schmid with Thompson because the references are in conflict with each other. (*See* M.P.E.P. §2143.01)

Schmid seeks to create a dual display of requested information with supplemental information (such as advertising) at a network client. (*See* Col. 8, Lines 10-16, Col. 11, Lines 58-64) Specifically, in Schmid, a network server sends a client's first request to a requested information source, retrieves the

requested information, tags it, and stores it in memory. (See Col. 1, Lines 39-34, Col. 2, Lines 5-11, Col. 2, Lines 29-35). Such tagging in Schmid associates the requested information with a tag and saves the associated requested information in memory. Schmid further creates format request instructions (hereinafter FRI's) that include the tag. The FRI's are sent back to the network client. (See Col. 6, Lines 41-56)

The FRI's configure the network client to present two distinct sets of information and to send a second request for the requested information. Upon receipt of the second request, the network server inspects the second request for presence of the tag and searches memory for stored requested information that contains a matching tag. Matching requested information is sent back to the network client as one of the two distinct sets of information. (See Col. 6, Lines 22-30) The FRI's further cause the network client to send a request for supplemental information. Schmid identifies supplemental information that matches information in the network client's profile and sends matching supplemental information back to the network client to be displayed with the requested information in a dual display format. (See 104, 106 of Figure 2, Col. 8, Lines 1-15, Col. 11 Lines 51-64)

Here, Examiner modifies Schmid with Thompson's intercepting of a request before it reaches its intended destination address. Thompson intercepts requests to deliver advertising content while saving the request in a temporary memory storage area. After delivery of the advertising content, the server may forward the request onto the intended address. (See ¶0034) Thus, Thompson is directed to displaying advertising content before retrieval of requested content – as opposed to Schmid's intention to display advertising simultaneously with requested content.

For the reasons stated above, Applicants submit that independent claims 43 and 54 are patentably distinct and advantageous over the cited references,

individually or in combination with each other. In addition, by virtue of their dependency on the independent claims, the rejected dependent claims are patentably distinct as well. Hence, the rejection under 35 U.S.C. §103(a) should be withdrawn. Accordingly, allowance of the claims is respectfully requested.

2. Rejection of Originally Submitted Claims under 35 U.S.C. §103(a)

Claims 44-47 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schmid in view of Thompson and further in view of Bandera at el., U.S. Patent No. 6,332,127 (hereinafter Bandera). However, with respect to the independent claims, Bandera fails to make up for the deficiencies of modifying Schmid with Thompson. Thus, Applicants submit that independent claims 43 and 54 are patentably distinct and advantageous over the cited references, individually or in combination with each other. In addition, by virtue of their dependency on the independent claims, rejected dependent claims are patentably distinct as well. Hence, the rejection under 35 U.S.C. §103(a) should be withdrawn. Accordingly, allowance of the claims is respectfully requested.

3. Rejection of Originally Submitted Claims under 35 U.S.C. §103(a)

Claim 51 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Schmid in view of Thompson and further in view of Subramaniam at el., U.S. Patent No. 6,081,900 (hereinafter Subramaniam). However, with respect to the independent claims, Subramaniam fails to make up for the deficiencies of modifying Schmid with Thompson. Thus, Applicants submit that independent claims 43 and 54 are patentably distinct and advantageous over the cited references, individually or in combination with each other. In addition, by virtue of its dependency on the independent claims, dependent claim 51 is patentably distinct as well. Hence, the rejection under 35 U.S.C. §103(a) should be withdrawn. Accordingly, allowance of the claims is respectfully requested.

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In view of the above, the Examiner's rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicant(s) hereby petition(s) for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

/RVF/

Rajesh V. Fotedar, Esq.
Attorney for Applicant(s)
Registration No.: 59,562
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive, Suite 280
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661

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